

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KELVIN LEON AUSTIN,

Plaintiff,

vs.

E.B. JONES, et al.,

Defendants.

No. C 10-5697 JSW (PR)


ORDER OF DISMISSAL

Plaintiff, a prisoner of the State of California, filed this pro se civil rights action under 42 U.S.C. § 1983. On December 15, 2010, the same day the complaint was filed, the Clerk notified Plaintiff that he had neither paid the filing fee nor filed an application to proceed in forma pauperis ("IFP"). Along with the notice, the Clerk mailed to Plaintiff the Court's IFP forms, instructions for completing the forms, and a stamped return envelope. In the notice, Plaintiff was informed that the case would be dismissed if he did not either pay the fee or file a completed IFP application within thirty days. No response has been received. As Plaintiff has neither paid the filing fee nor filed an IFP application within the allotted time, nor has he explained his failure to do so, this case is DISMISSED without prejudice. *See* Fed. R. Civ. P. 41(b).

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: February 10, 2011


JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KELVIN LEON AUSTIN,
Plaintiff,

Case Number: CV10-05697 JSW

CERTIFICATE OF SERVICE

v.

E.B. JONES et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 10, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kelvin L. Austin
C73710
P.O. Box 5244
Corcoran, CA 93212

Dated: February 10, 2011



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk